

PROB 12C  
(7/93)

Report Date: December 27, 2012

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 27 2012

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jose Alberto Abundiz

Case Number: 2:06CR02159-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 6/12/2008

Original Offense: Possession of a Firearm by Prohibited Person, 18 U.S.C. § 922(g)(1); Possession of an  
Unregistered Firearm, 26 U.S.C. § 5861(d)Original Sentence: Prison - 57 Months                      Type of Supervision: Supervised Release  
TSR - 36 Months

Asst. U.S. Attorney: Mary Katherine Dimke                      Date Supervision Commenced: 5/6/2011

Defense Attorney: Diane E. Hehir                      Date Supervision Expires: 5/5/2013

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 PETITIONING THE COURT

To issue a warrant and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 10/29/2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<b><u>Special Condition #16:</u></b> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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**Supporting Evidence:** On December 11, and 12, 2012, Jose Alberto Abundiz failed to report for urinalysis testing.

On December 11, 2012, the defendant failed to report to Merit Resource Services (Merit) for a scheduled urinalysis test. On December 12, 2012, the undersigned officer contacted the defendant, and directed him to report that same day for a urinalysis test. Although the defendant related he would report within the hour he failed to report.

5	<b><u>Mandatory Condition #4:</u></b> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment, and at least two periodic drug tests thereafter, as directed by the probation officer.
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Prob12C

Re: Abundiz, Jose Alberto

December 27, 2012

Page 2

**Supporting Evidence:** On December 13, 2012, Jose Alberto Abundiz reported to the U.S. Probation Office and submitted a urinalysis sample, which tested presumptive positive for methamphetamine. When questioned about illegal drug use the defendant denied using any illegal substances. Test results were subsequently confirmed as positive for methamphetamine by Alere Toxicology Services.

6

**Mandatory Condition #4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

**Supporting Evidence:** On December 20, 2012, Jose Alberto Abundiz reported to Barth Clinic and submitted a urinalysis which tested presumptive positive for methamphetamine. At that time the defendant denied any illegal drug use and the urinalysis sample was sent to the laboratory for confirmation.

On December 27, 2012, contact with treatment personnel from Barth Clinic revealed they had received the test results from the laboratory, which was confirmed positive for methamphetamine. Additionally, they advised that when the defendant was presented with the test results, he admitted to using methamphetamine.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 27, 2012


s/Jose Vargas

Jose Vargas  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.  
☐ Other

  
 Signature of Judicial Officer

12/27/12  
 Date